

REMARKS

Claims 1-20 were pending prior to the current claim amendments. The claims were rejected for various reasons discussed in the Office Action. By virtue of this response, no claims have been cancelled, claims 1 and 8 have been amended, and no new claims have been added. Accordingly, claims 1-20 are currently under consideration.

For the Examiner's convenience, Applicants' remarks are presented in the same order in which issues were raised in the Office Action.

Rejections under 35 U.S.C. Sec. 112, second paragraph

Claims 1 and 8 were rejected under 35 U.S.C. Sec. 112, second paragraph, as allegedly being indefinite. The Office Action states that “arranged” to be located is unclear in claim 1 and that an “axis” is unclear in claim 8.

The Office Action states a conclusion that the phrase “arranged to be located” in the preamble of claim 1 is unclear, but the Office Action does not explain why this language is unclear. The adjective “arranged” is often used in claims of issued U.S. patents in a similar context, and there were at least 519,254 issued and/or reissued U.S. patents as of December 2, 2010¹ having the word “arranged” in the claims (*cf.* U.S. Pat. No. 7,844,987, issued this past Tuesday, and U.S. Pat. No. 7,762,250 issued July 27, 2010, in which Claim 1 in each uses the word “arranged”). In view of the accepted use of the word “arranged,” Applicant would appreciate explanation of why claim 1 is considered unclear if this rejection is maintained.

The Office Action also states that the use of “an axis” in claim 8 renders this claim unclear. Applicant has removed the phrase in claim 8 containing “an axis,” and Applicant submits that this amendment obviates the basis for the objection to the claim language. Withdrawal of the rejection is therefore solicited.

¹ The U.S. Patent and Trademark Office website indicates that claims of patents issued before 1975 are not text-searchable and were therefore not included in this search.

Claim Rejections under 35 USC §103

Claims 1-15 and 17 were rejected under 35 U.S.C. Sec. 103(a) as being obvious over U.S. Pat. No. 4,505,260 (Metzger) in view of U.S. Pat. No. 3,026,858 (Fleisher) and U.S. Pat. No. 4,416,264 (Herrick).

Fleisher teaches a means for supporting a bank of tubes adapted to extend horizontally comprising a pair of parallel pipes extending vertically, each pipe having a plurality of vertically spaced pairs of axially aligned openings extending horizontally therethrough, a sleeve forming a horizontal passage through the pipe and received in each pair of openings, means to supply a cooling fluid through the pipes and around the passages, the passages in each pipe being aligned horizontally with a passage in the other pipe, a supporting member received in and extending through each pair of aligned passages, and a tube supporting element surrounding each member between the pipes.

Applicant submits that a person of ordinary skill in the art, if that person were for some reason to attempt to incorporate Fleischer's configuration into Metzger's apparatus, would incorporate Fleischer's pair of parallel vertical pipes into the space defined by Metzger's collector wall 12' as well as a cooling fluid supply into the vertical pipes in addition to the supporting member received in and extending through a pair of horizontally aligned passages in the vertical pipes as taught by Fleischer.

A person of ordinary skill would have to eliminate pieces and features that Fleischer discloses as necessary, the water-cooled support structure for rollers having vertical cooling tubes to support Fleischer's tube supporting elements as discussed above, and replace those elements with structural features that are not disclosed in or rendered obvious by either reference in order to arrive at the claimed invention, in which rollers extend from a first side wall of a channel portion of the inverted trough to a second side wall of the channel portion of the inverted trough.

In view of this, Applicant respectfully requests withdrawal of the rejection of these claims.

Claims 16, 18, and 20 were rejected under 35 U.S.C. Sec. 103(a) as being unpatentable over Metzger, Fleisher, and Herrick as applied to claim 1 and further in view of U.S. Pat. No. 5,860,414 (Steinmann). Steinmann does not teach anything that would address the issues raised

above regarding why a person of ordinary skill would not arrive at the claimed invention, even if that person were to combine the cited references. Consequently, claims 16, 18, and 20 are patentable for the reasons discussed above for claim 1.

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

The Office is hereby authorized to charge any additional fee required by this paper or credit any overpayment to the Deposit Account No. 50-3229.

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Proof of Service by Electronic Filing System (EFS)

On December 2, 2010, I transmitted the documents named above by Electronic Filing System (EFS) of the United States Patent and Trademark Office of the addressee(s) as indicated above.

Date: December 2, 2010

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